

Commissioner of Patents  
Serial No. 09/802,398  
Response Date December 22, 2005  
Reply to Office Action dated June 23, 2005  
Page 4

**AMENDMENTS TO THE DRAWINGS**

Please replace original Figures 1-42 with the enclosed replacement sheets. The enclosed replacement sheets remove informalities in the originally filed Application and put the Application in a more suitable form for allowance. Accordingly, Applicants respectfully request that the drawings filed on September 24, 2001, be replaced with the enclosed formal drawings.

Commissioner of Patents  
Serial No. 09/802,398  
Response Date December 22, 2005  
Reply to Office Action dated June 23, 2005  
Page 5

### **REMARKS**

#### **I. Status of the Application.**

Claims 1-9, 11-18, and 24-29 of the Application were pending as of the date of the Office Action. In the Office Action, the Examiner:

(a) Requested that the informal drawings submitted on September 24, 2001, be replaced by new drawings that comply with 37 C.F.R. 1.121(d);

(b) Requested that the length of the abstract be reduced to 150 words or less;

(c) Rejected claims 1-9, 11-18, and 25-29 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 5,953,707 to Huang et al. ("Huang"); and

(d) Did not reject or object to claim 24 on any grounds.

In this response, Applicants amend the abstract and drawings. Applicants respectfully submit that the following remarks incorporated herein overcome the Examiner's rejections of and objections to the Application.

#### **II. Applicants Amendments Do Not Constitute New Matter.**

Applicants respectfully submit that the amendments to the abstract and to the drawings do not add new matter to the Application and merely correct the compliance errors noted by the Examiner. For the above-listed reasons, Applicants respectfully submit that all the amendments are supported by the specification, as originally filed, and do not constitute new matter. Accordingly, Applicants respectfully request acceptance of these amendments.

Commissioner of Patents  
Serial No. 09/802,398  
Response Date December 22, 2005  
Reply to Office Action dated June 23, 2005  
Page 6

**III. The Objections To The Abstract And Drawings Should Be Withdrawn.**

Applicants respectfully request that the objections to the abstract and drawings be withdrawn because, as requested by the Examiner, the Applicants amended the abstract to be under 150 words and submitted replacement sheets in compliance with 37 C.F.R. §1.121(d) for Figures 1-42.

**IV. The Rejection of Claims 1-9, 11-18, and 25-29 under 35 U.S.C. §102(e) As Being Anticipated by Huang Should Be Withdrawn Because Huang Does Not Disclose All of the Claim Limitations of These Claims.**

Applicants respectfully submit that the rejection of claims 1-9, 11-18, and 25-29 should be withdrawn because these claims are patentably distinguishable over Huang. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). A rejection under section 102(e) can be overcome by showing that the claims are patentably distinguishable from the prior art. MPEP §706.02(b).

**A. Huang Does Not Disclose All the Limitations of Claims 1-9 and Claims 13-18.**

Applicants respectfully submit that Huang does not disclose all the limitations of claims 1-9 and 13-18. Claims 1 and 13 are directed to a "supply chain management system" that has "at least one project" with "at least one methodology." As explained in the Application, the use of a methodology ensures compliance with the quality requirements of a customer and controls and manages the progress of a project. (Application, p. 89, ll. 12-19). As explained in the Application, the term "methodology" is defined as the phases/milestones ("quality gates") for a project that are required to be completed and the deliverables, tasks, data, required documents,

Commissioner of Patents  
Serial No. 09/802,398  
Response Date December 22, 2005  
Reply to Office Action dated June 23, 2005  
Page 7

supporting documents, events, and/or any other material that needs to be supplied at those quality gates. (Application, p. 21, ll. 20-22; p. 45, ll. 1-6; p.47, 19-23; p. 48, 1-14). "A methodology governs the project to ensure that the correct process(es) is(are) followed to establish the manufacturing capability to reliably produce parts of a given quality to a given set of specifications." (Application, p. 45, ll. 4-6).

In contrast, Huang discloses a decision support system that allows decision makers to view the supply chain from their own perspective, obtain information, and evaluate decisions made related to the system for forecasting and planning purposes. (Col. 1, ll. 19-27). The decision support system of Huang requires "a model engine comprising modeling processes configured to analyze the supply chain" in such a manner as to provide support for major decision-making areas in a supply chain. (Col. 38, ll. 29-43; Col. 223, ll. 8-9; Col. 224, ll. 30-32). As indicated throughout Huang, these modeling processes relate to the gathering of information about the supply chain and the evaluation of such information. For example, Huang discloses a Market Data Analysis Module that contains quantitative models and computational routines to compile and synthesize market information. (Col. 39, ll. 29-39). This market information compilation is then used to analyze relevant industry data from various sources and provide a quantitative analysis of sales. (Col. 39, ll. 37-39).

Applicants respectfully submit that Huang's modeling processes that gather information for analytical purposes are not the defined and claimed "at least one methodology" (i.e., the defined quality gates for a project that are required to be completed and the deliverables, tasks, data, required documents, supporting documents, events, and/or any other material that needs to be supplied at those quality gates) of claims 1 and 13. Rather, the Huang's modeling processes

Commissioner of Patents  
Serial No. 09/802,398  
Response Date December 22, 2005  
Reply to Office Action dated June 23, 2005  
Page 8

collect and provide information regarding all the different goals and factors of a supply chain (i.e. purchasing, manufacturing, marketing, inventory, etc.) to be considered globally by a user in order to understand the effect that different decisions will have on the overall supply chain. (Col. 1, ll. 19-67; Col. 2, ll. 1-59; Col. 4, ll. 46-63). For these reasons, Applicants respectfully submit that the Huang's modeling processes are decision making aids that help in forecasting and planning and are not methodologies that control the completion of a project.

Applicants respectfully disagree with the Examiner's allegation that the Aggregate Production Plan (Col. 113-114) of Huang is the "data representative of the at least one methodology of the project" limitation of claim 1. As described in Huang, the Aggregate Production Plan assists in transforming data in between different parts of the supply chain (i.e., transforming data from the supply space to the inventory space). (Col. 8, ll. 30-35). The data contained in the Aggregate Production Plan will characterize the resolution (how the data is viewed) of the product (by product or by group of products), time (by day, by week, or by month), and node-related structural element (at the demand node, inventory node, production node, or component supply node). (Col. 7, ll. 46-67). The specific Aggregate Production Plan that appears in Appendix B in columns 113 and 114 shows the form that the data tables are to take for manufacturing and equipment repair supply chain. (Col. 9, ll. 65-68; Col. 10, ll. 40-45). The Aggregate Production Plan format of Appendix B requires that a data table be created in a certain format by providing a heading and an identifier of the plan itself, the resolution of the resource and the resource ID (i.e., a customer and the customer number), the product resolution and the product ID (i.e., product and product number), the time resolution and the calendar identification (i.e., a period of time and the calendar number for the pre-defined calendar being

Commissioner of Patents  
Serial No. 09/802,398  
Response Date December 22, 2005  
Reply to Office Action dated June 23, 2005  
Page 9

used), the date of creation of the report, an indication if this data is being used in any type of decision making scenario, and the number of such scenarios with which the data is being used. In short, the Aggregate Production Plan of Appendix B is used to create data sheets like those shown in Tables 2-3 for a user's information. (Col. 9-10).

Applicants respectfully submit that none of the data requested to be placed in the Aggregate Production Plan of Appendix B to form a data sheet, as shown in Tables 2-3, is "representative of the at least one methodology of the project", as claimed in claim 1. As explained above, a methodology comprises specific quality gates that must be met to complete a project. The Aggregate Production Plan provides information for forecasting and planning purposes while the claimed methodology governs how the project is completed.

Applicants also respectfully disagree that the "supply chain network configurator" of Figure 38 of Huang discloses "the controlling means using the indicated methodology(ies) of the project for such control" of claim 13. (Office Action, p. 4). In support of this rejection, the Examiner cites to language in Huang that discusses "scenario management", which is defined in Huang as user generated "changes to databases or instances of visual objects that can be saved as Scenarios . . . . (and) can contain: edited data, results of analysis, graphs and charts, and performance metrics." (Col. 92, ll. 26-33). Applicants respectfully submit that the saved scenarios are no different than any other information gathered by the modeling processes of Huang and do not constitute the defined and claimed methodologies of claims 1 and 13. As explained above, the gathered information, such as the scenarios, allows a user to obtain information regarding the entire supply chain so that proper decisions can be made considering

Commissioner of Patents  
Serial No. 09/802,398  
Response Date December 22, 2005  
Reply to Office Action dated June 23, 2005  
Page 10

all of the different goals of the supply chain. In contrast, the methodologies comprise specific quality gates that must be met to complete the project.

For the reasons specified above, Huang does not disclose the claimed "at least one methodology" of claims 1 and 13. Accordingly, Applicants respectfully submit that by virtue of Huang not disclosing the "at least one methodology", Huang does not disclose "a controlling means using the indicated methodology(ies)", as claimed in claim 13. Claim 13 requires that the "controlling means" use the at least one methodology(ies) for controlling the progress of the project. Applicants respectfully submit that Huang does not disclose such a controlling means because there are no methodologies for the alleged "controlling means" of Huang to use in controlling the progress of the product.

Accordingly, Applicants respectfully submit that, among other things, Huang does not disclose "a system for management of at least one project, each of the at least one projects comprising . . . *at least one methodology applicable to the project* . . . a means for storing and retrieving project data . . . the project data comprising *data representative of the at least one methodology of the project*", as claimed in claim 1. Moreover, Applicants respectfully submit that, among other things, Huang does not disclose "a supply chain management system . . . comprising: a first database comprising data representative of *at least one methodology applicable to the project*; . . . a project record . . . further including *an indicator indicating which of the at least one methodologies is (are) applicable to the project*; and *means for controlling the progress of the at least one project . . . using the indicated methodology(ies) of the project for such control*," as claimed in claim 13.

Commissioner of Patents  
Serial No. 09/802,398  
Response Date December 22, 2005  
Reply to Office Action dated June 23, 2005  
Page 11

For these reasons, Applicants respectfully submit that Huang does not disclose all of the limitations of claims 1 and 13 and respectfully submit that the rejections of claims 1 and 13 under 35 U.S.C. §102(e) as being anticipated by Huang should be withdrawn. Moreover, Applicants respectfully submit that the rejections of claims 2-9 and 14-18 under 35 U.S.C. §102(e) as being anticipated by Huang should also be withdrawn because each of these claims depend from and incorporate all the limitations of what appears to be allowable base claims 1 and 13, respectively.

B. Huang Does Not Disclose All the Limitations of Claims 11-12.

Applicants respectfully submit that the rejection of claim 11 should be withdrawn because claim 11 is patentably distinguishable over Huang. Applicants respectfully disagree with the Examiner's allegation that the Supply Management process (Col. 13, l. 45 – Col. 14, l. 4) and the Demand Management process (Col. 12 - 13) of Huang are equivalent to the

(d) evaluating the entered data for relevance to the at least one requirements applicable to the project, and if not relevant returning to step (c); and (e) comparing the entered data to the at least one measurement criterion of the relevant at least one requirement, and if the entered data does not satisfy the at least one measurement criterion, returning to step (c)

limitations of claim 11. (Office Action, p. 6). Applicants respectfully submit that neither of the cited processes or anything else in Huang discloses the "at least one requirements" limitation of claim 11. As explained in the Application, a requirement refers to a narrower aspect of the "methodologies" previously discussed. (Application, p. 22, l. 20 – p. 23, l. 14).

Applicants respectfully submit that as explained above, the processes disclosed in Huang, including the Supply Management and the Demand Management processes, are processes that gather and analyze certain information in order to provide advice for decision makers to use in



Commissioner of Patents  
Serial No. 09/802,398  
Response Date December 22, 2005  
Reply to Office Action dated June 23, 2005  
Page 12

determining whether or not to produce a product or the amount of product to produce. (Col. 12-14). The Huang system also functions to determine the feasibility and the economic viability of changes in certain aspects of the supply chain (i.e., production ability, demand for the product, etc.).

In contrast, the "requirements" referred to in claim 11 pertain to the requirements that make up the methodologies of the system. In the system of claim 11, in order for one methodology to be completed, the requirements thereof must be met. Unlike the system disclosed in Huang, the requirements of the claimed system of claim 11 do not involve analysis of information and/or forecasting for present or future demand. Rather, the claimed requirements of claim 11 include, for example, complying with industry standards and any special conditions specified by the customer that is to be supplied by the end product. Moreover, the claimed requirements of claim 11 must be met to comply with the broader defined methodology. For these reasons, Applicants respectfully submit that Huang does not disclose "(a) creating and storing . . . *at least one requirement* applicable to at least one of the at least one projects of the supply chain . . . (d) evaluating the entered data for relevance to the *at least one requirements* applicable to the project . . . ; and (e) comparing the entered data to the at least one measurement criterion of the relevant *at least one requirement*," as claimed in claim 11. Accordingly, Applicants respectfully submit that the rejection of claim 11 under 35 U.S.C. §102(e) as being anticipated under Huang should be withdrawn and that the rejection of claim 12 under 35 U.S.C. §102(e) as being anticipated by Huang should also be withdrawn because claim 12 depends from and incorporates all of the limitations of claim 11.

Commissioner of Patents  
Serial No. 09/802,398  
Response Date December 22, 2005  
Reply to Office Action dated June 23, 2005  
Page 13

C. Huang Does Not Disclose All the Limitations of Claims 25-29 Because Claim 24 Should Be Allowed.

Applicants respectfully submit that the Examiner did not reject independent claim 24 on any grounds in the Office Action. Accordingly, Applicants respectfully requests allowance of this claim and claims 25-29 which depend from and incorporate all the limitations of claim 24. In the event the Examiner intended to reject claim 24 under 35 U.S.C. §102(e) as being anticipated by Huang, Applicants note that for the reasons explained above in association with claims 1 and 13, Huang also does not disclose all the limitations of claim 24. For example, Huang does not disclose a "supply chain management system, comprising: . . . data storage and retrieval means . . . including a project record . . . the project record including . . . *data representative of a methodology imposed on the project* and a sub-project record . . . the sub-project record including *data representative of methodology imposed on the sub-project* . . . and an evaluation subsystem . . . for evaluating the project *in view of the project methodology*, and for evaluating the sub-project *in view of the sub-project methodology*", as claimed 24. Accordingly, Applicants respectfully submit that Huang does not disclose all the limitations of claim 24, that any potential rejection of claim 24 under 35 U.S.C. §102(e) as being anticipated by Huang should be precluded, and the rejections of claims 25-29 under 35 U.S.C. §102(e) as being anticipated by Huang should be withdrawn because claims 25-29 depend from an allowable base claim.

V. Applicants Petition for an Extension of Time.

Applicants hereby petition for an extension of time of three (3) months, under 37 C.F.R. § 1.136(a), thereby extending the deadline for response, pursuant to 37 C.F.R. § 1.7(a) and

Commissioner of Patents  
Serial No. 09/802,398  
Response Date December 22, 2005  
Reply to Office Action dated June 23, 2005  
Page 14

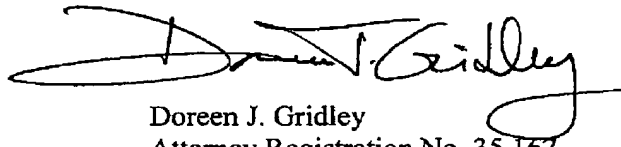
1.136(a), to December 23, 2005. Applicants authorize payment for this extension in the amount of \$1,020.00 to be charged to deposit account 09-0007. When doing so, please reference the above-listed docket number for this file.

### CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that claims 1-9, 11-18, and 24-29 are allowable claims. Allowance of this Application is therefore respectfully requested. In the event Applicants have inadvertently overlooked the need for payment of any additional fees or extensions of time, Applicants conditionally petition therefore, and authorize any deficiency to be charged to deposit account 09-0007. When doing so, please reference the above-listed docket number.

Respectfully submitted,

ICE MILLER



Doreen J. Gridley  
Attorney Registration No. 35,167  
ICE MILLER  
One American Square, Box 82001  
Indianapolis, IN 46282-0002  
Telephone: (317) 236-2472  
Facsimile: (317) 592-5433

Date: December 22, 2005

DJG/njt  
Enclosures: Replacement Sheets